

Appl. No. : 10/822,156
Filed : April 8, 2004

REMARKS

Claims 1, 16, 33, and 35-37 have been amended, Claims 2 and 34 have been canceled, and new claim 38 has been added. No new subject matter has been added. Thus, Claims 1, 3-33, and 35-38 are pending.

Discussion of Claims Rejected under 35 U.S.C. §102(b)

Claims 1, 2, 4-6, 8-21 and 23-37 were rejected as being anticipated by Wallace (US 2002/0173875). Wallace discusses “a method for remote dispensing of pharmaceuticals or other medical products.” The method “enables drug prescription dispensing in volume by a physician, pharmacist, or other licensed practitioner directly outside a pharmacy or a hospital. (see paragraph 6).

Discussion of Claim 1

Applicant respectfully submits that Wallace, however, does not disclose all of the elements of currently amended Claim 1. For example, Wallace does not disclose an access device configured to receive a personal identification module of said user, wherein said access device is adapted to read personal authentication data stored on said personal identification module. The password of Wallace does not have personal authentication data stored thereon. As understood by one of ordinary skill in the art a password is data and does not store data. Accordingly, Applicant respectfully submits that Claim 1 is in condition for allowance.

Discussion of Claim 16

Applicant respectfully submits that Wallace does not disclose all of the elements of currently amended Claim 16. For example, Wallace does not disclose a device having an output unit that comprises a refrigerating or freezing device configured to cool or freeze laboratory items in a plurality of zones, each zone having a different temperature, or to cool or freeze laboratory items within a zone, the zone having a temperature gradient. Accordingly, Applicant respectfully submits that Claim 16 is in condition for allowance.

Discussion of Claims 33 and 35-37

Applicant respectfully submits that Wallace does not disclose all of the elements of Claims 33 and 35-37 for reasons similar to those discussed above with regard to Claims 1 and

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16. Accordingly, Applicant respectfully submits that Claims 33 and 35-37 are in condition for allowance.

Applicant does not necessarily agree with the Examiners characterization of Wallace in regard to the dependent claims, and respectfully submits that the dependent claims are in condition for allowance because of the features which they inherit from the independent claims from which they each depend and for their own features.

New Claim

New Claim 38 finds its support in the original claims and at least on page 6 lines 15-19 of the specification.

Discussion of Claims rejected under 35 U.S.C. §103(a)

Claims 3 and 22 were rejected in the Office Action as being unpatentable over Wallace in view of Waterbury (US 3,896,266) and Claim 7 was rejected as being unpatentable over Wallace in view of Mase (US 6,532,399). Applicant does not necessarily agree with the Examiners characterization of Wallace and Waterbury in regard to these dependent claims, and, as discussed above, Applicant respectfully submits that these dependent claims are in condition for allowance because of the features which they inherit from the independent claims from which they each depend and for their own features.

Conclusion

If there are any issues remaining after review of this response, the Examiner is invited to call the undersigned below to discuss.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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